

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Joseph Eugene Howard

33817

(Enter above the full name of the plaintiff
or plaintiffs in this action).

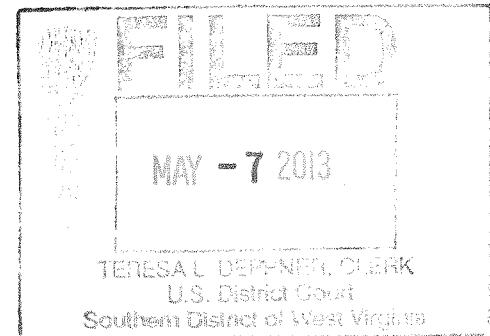
(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 2:13-cv-11004

(Number to be assigned by Court)

Carl L. Harris



(Enter above the full name of the defendant
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes X No _____

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: Joseph Eugene Howard

Defendants: David Ballard

2. Court (if federal court, name the district; if state court, name the county);

Southern District of West Virginia

3. Docket Number: 2:10-cv-1382

4. Name of judge to whom case was assigned:

Joseph R. Goodwin

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Dismissed With Prejudice

6. Approximate date of filing lawsuit: 12-15-10

7. Approximate date of disposition: 06-01-11

II. Place of Present Confinement: Mount Olive Correctional Complex

A. Is there a prisoner grievance procedure in this institution?

Yes X No _____

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes _____ No X

C. If you answer is YES:

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not: The defendant is a
state Prosecutor

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Joseph Eugene Howard - 33817
Mount Olive Correctional Complex
Address: One Mountain side Way, Mt. Olive, W.V. 25185

B. Additional Plaintiff(s) and Address(es): N/A

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: Carl L. Harris

is employed as: Prosecutor
Fayette County Prosecutor's Office
at 108 Maple Avenue, Fayetteville, W.V. 25840

D. Additional defendants: N/A

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

(1) The defendant is violating the plaintiff's right of Access To Courts as guaranteed by the First and Fourteenth Amendments to the U.S. Constitution.

(2) On 11-19-12, the plaintiff wrote a letter to the defendant alleging that prison staff were involved in a conspiracy to murder him and that they attempted to murder him.

(3) On 12-05-12 and 12-13-12, the defendant advised the plaintiff, by return letters, that he asked the State Police to investigate the allegations made by

IV. Statement of Claim (continued):

the plaintiff mentioned in Section IV, Paragraph (2) above.

(4) In January 2013, the State Police verified that prison staff were involved in a conspiracy to murder the plaintiff and attempted to do so by putting harmful substances, including URINE and FECES, into the plaintiff's food and drink.

(5) On 03-04-13 and 04-10-13, the plaintiff submitted notarized letters to the defendant asking him to provide the plaintiff with all relevant information related to the facts mentioned in Section IV, Paragraphs (2) through (4) above; which the defendant has failed to do.

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

(1) Issue a Declaratory Judgement to the defendant notifying him that he is violating the plaintiff's right of Access To Courts.

(2) If the Court denies the plaintiff the relief sought in Section V, Paragraph (1), which means he will have to appeal, or if the Court grants him the relief he asks for and defendant appeals, the plaintiff asks the Court to appoint him an attorney due to the reasons stated in Section IV, Paragraph (2), pages (5) and (6) of the civil action he has filed against Mount Olive Correctional Complex; Warden: David Ballard for violating the plaintiff's right of Access To Courts; because the plaintiff is indigent and has very few resources

V. Relief (continued):

and would be unable to prosecute or defend himself on an appeal,

see: Joseph Eugene Howard v. David Ballard, Civil Action No.

(3) The plaintiff asks the Court to bear in mind the deadlines involved in
relation to filing a claim regarding the matters mentioned in Section
IV, Paragraph (4), page (5).

VII. Counsel

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

N/A

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes No X

If so, state the name(s) and address(es) of each lawyer contacted:

The plaintiff contacted several lawyers

If not, state your reasons: asking them to represent him in a suit related
to the matters mentioned in Section IV, Paragraph (4), page (5);
two lawyers did not respond: (see reverse side of this page)

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes No X

Torisera, attached to the other 42 USC 1983 Civil Action that the plaintiff filed against Mount Olive Correctional Complex; Warden; David Ballard, for Violating the plaintiff's right of Access To Courts, which action he filed on the same date as this action. Joseph Eugene Howard v. David Ballard, Civil Action No.).

The plaintiff reasoned that if lawyers are unwilling to represent him in a suit that might result in their being paid, most likely no attorney would represent him in a suit wherein he is seeking only prospective relief.

The plaintiff contacted the following lawyers by letter: (1) E. Lavoyd Morgan, Jr., 103 North Court Street, P.O. Box, 1847, Lewisburg, W.V. 24901. (NO ANSWER). (2) Hewitt and Salvatore, 204 North Court Street, Fayetteville, W.V. 25840. (NO ANSWER). (3) Teresa Toriseva, 1446 National Road, Wheeling, W.V. 26003. (CONFLICT OF INTEREST).

The plaintiff apologizes to the Court for not submitting a separate motion for Appointment of Counsel, but due to the limited resources that the plaintiff has, he hopes the Court will excuse his not doing so.

If so, state the lawyer's name and address:

n/a

Signed this 15th day of May, 2013.

Joseph E. Howard

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 1st, 2013.
(Date)

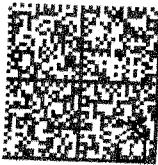
Joseph E. Howard
Signature of Movant/Plaintiff

Signature of Attorney
(if any)

Joseph E. Howard - 33817
M.O.C.C. Q2 - 507
One Mountain Side Dray
Mt. Olive, W. Va. 25185

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AE
CORRESPONDENCE
FROM AN INMATE
MOUNT OLIVE
CORRECTIONAL COMPL

UNITED STATES POSTAL SERVICE
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ATTENTION: TERESA L. DEPPNER, CLERK
CLERKS OFFICE
United States District Court
Southern District of West Virginia
Robert C. Byrd United States Courthouse
300 Virginia Street, East, Room 2400
Charleston, W. Va. 25301

2536332233

Joseph E. Howard

ms. Deppher, will you notify
me by return letter a.s.a.p.
that you received this material?
Thank you!